

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 73561

Robert Diccico  
Emily Diccico  
405 Central Avenue  
Baltimore MD 21204

403 Murdock Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on June 2, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BBC) section 35-2-404 (A)(1)(vii), failure to repair rear gutter and downspout, failure to replace all rotted wood, failure to scrape and paint peeling, flaking paint on house and garage, failure to repoint all missing mortar on garage on residential property zoned DR 10.5 known as 403 Murdock Road, 21212.

On April 28, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jeffrey Radcliffe issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$20,000.00 (twenty thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on February 27, 2010 for repair of exterior construction, repair/replace front and rear gutters and downspouts, replace all rotted wood (fascia, soffit and garage panels), scrape and paint all peeling and flaking paint on house and garage, repoint all missing mortar on house and garage (bricks shifting). This Citation was issued on April 18, 2010. This Hearing was rescheduled from May 19, 2010 to June 2, 2010 at the request of Respondent Robert DiCicco, by letter dated May 7, 2010. Respondents failed to appear for the rescheduled Hearing.

B. Photographs in the file show a two story brick row house with adjoining houses on both sides. Photographs show that several gutters and downspouts are missing or broken, with at least two gutters hanging partway off the wall. Failure to maintain gutters and downspouts in working order violates code requirements and also harms the adjoining property owners, as rainwater is not properly drained away from the shared building walls and foundation. BCC 35-5-208.

C. Photographs show severely peeling paint and bare wood, and areas of rotted and damaged wood on the fascias, roof line, windows, and garage door. Respondents are required by law to maintain the exterior of this rental property at least in conformance with county code standards, including keeping all exterior surface materials properly surface-coated to prevent deterioration. BCC Article 35, Title 5, Subtitle 2 (Rental Property).

D. Photographs show large areas of wall bricks with missing mortar and shifting bricks. Respondents are required by law to maintain all exterior walls in good repair. BCC 35-2-208. Photographs show broken and missing slates on the porch roof and the main roof. This violates requirements for maintaining roofs in good repair, and puts adjoining houses at risk of water damage. BCC 35-2-208.

E. Photographs in the file show three missing panes of glass in a window of the garage. The window needs immediate repair to make the structure secure from animal encroachment.

F. This is an investment property. Respondents are required by law to maintain the exterior of this rental property at least in conformance with County code standards, including keeping all exterior surface materials maintained weatherproof and properly surface-coated to prevent deterioration. BCC Article 35, Title 2, Subtitle 4 (Maintenance of Investment Property); BCC Article 35, Title 5, Subtitle 2 (Rental Property). Respondents have failed to maintain this property and have permitted significant deterioration. This kind of inadequate maintenance of investment property is detrimental to communities. See BCC 35-2-402. This Citation will be enforced.

G. Review of the file shows that Respondents have failed to comply with prior notices and orders for repairs and maintenance dating back to at least 1994. Civil penalties have been imposed but the required repairs have not been made. The property has previously been rented to tenants but Respondents have not obtained the required Rental Housing License. The property is currently vacant.

H. This Hearing Officer has the authority to impose reasonable conditions as to the time and manner of correction for code violations. BCC 3-6-207. To protect adjoining property owners, because Respondents have a clear history of disregarding notices and repair orders, this Order will authorize the County to make urgent repairs including repairing and replacing gutters and downspouts, and including securing or repairing all open windows, at Respondents' expense. This Hearing Officer notes that repairing the gutters may also require repairs to the damaged roof and fascia, also at Respondents' expense. Respondents are advised that failure to make the required repairs may result in additional Citation with no prior Correction Notice, pursuant to Departmental policy.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$20,000.00 (twenty thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$1,000.00 (one thousand dollars) if the violations are corrected by August 2, 2010, with the roof and gutters repaired; all exterior surfaces repaired and painted; all brickwork repaired and repointed; all windows repaired.

IT IS FURTHER ORDERED that at any time after the date of this Order, the County may enter the property for the purpose of making urgent repairs, including replacing and repairing all gutters and downspouts, repairing fascias and other parts of the house as may be necessary to repair the gutters and downspouts, and repairing or boarding all open or broken windows to prevent animal encroachment, at Respondents' expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 14<sup>th</sup> day of June 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer